

Leib M. Lerner  
(CA Bar No. 227323)  
Jacob A. Johnson  
(GA Bar No. 849407)  
**ALSTON & BIRD LLP**  
333 S. Hope Street, 16th Fl.  
Los Angeles, CA 90071  
Telephone: (213) 576-1000  
Facsimile: (213) 576-1100  
leib.lerner@alston.com  
jacob.johnson@alston.com  
*Admitted Pro Hac Vice*

and

James A. Kohl, Esq.  
Nevada Bar No. 5692  
Cami M. Perkins, Esq.  
Nevada Bar No. 9149  
**HOWARD & HOWARD ATTORNEYS PLLC**  
3800 Howard Hughes Parkway, Suite 1000  
Las Vegas, Nevada 89169  
Telephone: (702) 257-1483  
Facsimile: (702) 567-1568  
jkohl@howardandhoward.com  
cperkins@howardandhoward.com

*Attorneys for Rushmore Loan Management Services, LLC*

Christopher P. Burke, Esq.  
**CHRIS P. BURKE & ASSOCIATES**  
218 S. Maryland Parkway  
Las Vegas, NV 89101

*Attorney for Willie N. Moon and Adnette M. Gunnels-Moon*

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

In re:  Willie N. Moon and Adnette M. Gunnels-Moon,  Debtors.	Bankr. Case No. 2:13-bk-12466-mkn  Chapter 13
Rushmore Loan Management Services, LLC Appellant, v. Adnette M. Gunnels-Moon & Willie N. Moon, Appellees.	District Court Case No. 2:23-cv-00795-RFB  <b>STIPULATED SECOND REQUEST FOR REVISED SCHEDULING ORDER VACATING ALL BRIEFING DEADLINES</b>

Appellant, Rushmore Loan Management Services, LLC (“**Rushmore**”), and Appellees, Adnette M. Gunnels-Moon and Willie N. Moon (“**Debtors**” collectively with Rushmore, the “**Parties**”) by and through their respective counsel of record in the above-captioned proceeding hereby make this stipulated request for an order vacating the Parties’ briefing schedule pending dismissal.

The Parties have reached an agreement in principle to resolve this and all related matters through a mediation administered under the Ninth Circuit Mediation Program (the “**Mediation**”) in connection with Ninth Circuit Court of Appeals Case Nos. 23-15621, 23-15460, and 23-15365 (the “**Ninth Circuit Appeals**”). The Parties are in the process of documenting their settlement. As a result of the settlement, all briefing deadlines in the Ninth Circuit Appeals were vacated by the Ninth Circuit mediator, with direction to either file a motion to dismiss or contact the mediator by September 15, 2023. The Parties anticipate filing a dismissal of this appeal from the Bankruptcy Court once the settlement documentation is finalized and executed. Accordingly, the Parties request that the Court to vacate the briefing schedule pending dismissal as follows:

	<u><b>Original Schedule</b></u>	<u><b>First Amended Schedule</b></u>	<u><b>Requested Schedule</b></u>
<b>Rushmore’s Opening Brief</b>	7/13/2023	8/28/2023	<b>Vacated pending dismissal</b>
<b>Debtors’ Response Brief</b>	7/27/2023	9/25/2023	<b>Vacated pending dismissal</b>
<b>Rushmore’s Reply Brief</b>	8/10/2023	10/9/2023	<b>Vacated pending dismissal</b>

**IT IS HEREBY STIPULATED THAT:**

The briefing schedule previously set by the Court is vacated. The Parties are directed to either file a motion to dismiss or file a status report with the Court by September 15, 2023.

Dated: August 25, 2023

*/s/ Christopher P. Burke*

Christopher P. Burke, Esq.  
Nevada Bar No. 004093

**CHRIS P. BURKE & ASSOCIATES**  
218 S. Maryland Parkway  
Las Vegas, NV 89101  
*Attorney for Willie N. Moon and  
Adnette M. Gunnels-Moon*

*/s/ Cami M. Perkins*

James A. Kohl, Esq.  
Nevada Bar No. 5692  
Cami M. Perkins, Esq.  
Nevada Bar No. 9149

**HOWARD & HOWARD ATTORNEYS PLLC**  
3800 Howard Hughes Parkway, Suite 1000  
Las Vegas, Nevada 89169

And

Leib M. Lerner (CA Bar No. 227323)  
**ALSTON & BIRD LLP**  
333 S. Hope Street, 16th Floor  
Los Angeles, CA 90071  
*Admitted Pro Hac Vice*

Jacob A. Johnson (GA Bar No. 849407)  
**ALSTON & BIRD LLP**  
One Atlantic Center  
1201 West Peachtree Street, Suite 4900  
Atlanta, GA 30309-3424  
*Admitted Pro Hac Vice*

*Attorneys for Rushmore Loan Management  
Services, LLC*

**IT IS SO ORDERED.**

**ORDER**



US DISTRICT COURT JUDGE

DATED: August 28, 2023.

**CERTIFICATE OF SERVICE**

On August 25, 2023, I served the following document:

**NOTICE OF APPEARANCE AND REQUEST FOR NOTICE AND PAPERS**

1. I served the above-named document by the following means to the persons as listed below: (*Check all that apply*)

- ☒ a. ECF System  
☐ b. United States mail, postage fully prepaid  
☐ c. Personal Service

2. I personally delivered the document(s) to the persons at these addresses:

☐ For a party represented by an attorney, delivery was made by handing the document(s) to the attorney or by leaving the documents(s) at the attorney's office with a clerk or other person in charge, or if no one is in charge by leaving the documents(s) in a conspicuous place in the office.

☐ For a party, delivery was made by handing the document(s) to the party or by leaving the document(s) at the person's dwelling house or usual place of abode with someone of suitable age and discretion residing there.

- ☐ d. By direct mail (as opposed to through the ECF System)  
☐ e. By fax transmission  
☐ f. By messenger

I declare under penalty of perjury that the foregoing is true and correct.

Signed on: August 25, 2023

Victoria Agunos  
(Name of Declarant)

/s/ Victoria Agunos  
(Signature of Declarant)